

This record is a partial extract of the original cable. The full text of the original cable is not available.

C O N F I D E N T I A L ANKARA 002034

SIPDIS

TREASURY FOR OFAC AND FINCEN

E.O. 12958: DECL: 04/08/2015

TAGS: [EFIN](#) [PTER](#) [KTFN](#) [TU](#)

SUBJECT: TERRORIST FINANCE: MFA REQUESTS MORE BACKGROUND
INFORMATION FOR COURT CHALLENGES TO ASSET FREEZES

Classified By: Robert S. Deutsch for Reasons 1.4 (b) and (d).

THIS IS AN ACTION REQUEST, SEE PARAGRAPH 4.

[11.](#) (C) Summary: The asset freezes of Nasreddin Group Holding and Yasin Al-Qadi are currently being challenged in Turkey's highest administrative court. MFA officials requested more background information on these UN 1267 Committee designees to help support the GOT's case. A court ruling in favor of Nasreddin and Yasin Al-Qadi could serve as a major setback for the GOT's already weak counter-terror finance regime and a bad international precedent for terror finance asset freezes. End Summary.

[12.](#) (SBU) MFA Intelligence and Research Department Head Ahmet Arda and First Secretary Togan Oral told econoffs that since their government began receiving lists for UN 1267 Committee designations, there have been three cases in which the GOT identified and froze the assets in Turkey of individuals and/or entities associated with or connected to Usama bin Laden (UBL), Al Qaida (AQ), and/or the Taliban. Two of these cases are currently being challenged in court.

[13.](#) (C) Nasreddin Group Holding and another UN-designated individual, Yasin Al-Qadi, filed for an injunction with the GOT's highest administrative court to stop the administrative freezing of their assets, which they claimed was unconstitutional. The court cases are still undecided. MFA officials told econoffs that in cases such as these, where the GOT freezes assets of individuals or entities solely on the basis of complying with UN Security Council Resolutions and the UN 1267 Committee, the GOT needs more background information on the individual or entity, preferably in a form that meets a judicial evidentiary standard, to build and support its cases in court. Though the GOT is arguing that UN Security Council resolutions carry the force of law in Turkey, there is a risk that a Turkish court will deem this legal basis insufficient under the Turkish Constitution to indefinitely freeze individuals, assets. It is precisely because of the danger of such a legal interpretation that the GOT is working to tighten up the legal basis of its anti-terror finance regime, albeit at a glacial pace.

[14.](#) (C) The MFA is turning to us as it understands that the 1267 listings of Nasreddin and Al-Qadi were proposed by the United States. They have also approached the United Nations Counter Terrorism Committee (CTC) staff in New York for additional information, which, the Turks said referred them to the United States.

[15.](#) (C) Comment: If the courts decide in favor of Nasreddin and Al-Qadi, it would be a major setback for the GOT's already weak counter-terror finance regime in which the GOT now only has the legal authority to freeze assets of UN-designated individuals or entities associated with terrorist financing. GOT authorities' ability to freeze assets could be hampered if the courts set a new precedent and decide that the freezing of Nasreddin's and Al-Qadi's assets were unconstitutional. It would also call in question Turkey's ability to comply with UN resolutions. Given that the typical "statement of case" does not provide the kind of evidence needed for court cases, and given Turkish courts' track records in other spheres, Post recommends Washington do what it can to provide the Turkish MFA with evidence for the designations. End Comment.

EDELMAN